

(2022) 06 KL CK 0088
In the High Court Of Kerala
Case No : Writ Petition (C) No.16073 Of 2022

Ratheesh Babu

APPELLANT

Vs

District Collector, Civil Station, Vidhya Nagar Kasaragod
671123

RESPONDENT

Date of Decision : 08-06-2022

Acts Referred:

Citation : (2022) 06 KL CK 0088

Hon'ble Judges : N.Nagaresh, J

Bench : Single Bench

Advocate : K.I.Sageer, Muhammed Yasil

Final Decision : Disposed Of

Judgement

N.Nagaresh, J

1. The petitioner, who is owner of a Swaraj Mazda Tipper Lorry, is before this Court seeking to direct the 5th respondent to release the vehicle bearing Registration No.KL-60F-7706 to the petitioner without any further delay.

2. The petitioner states that on 28.02.2022, while the petitioner's tipper lorry was transporting red earth to a customer who is a resident of Padne Village in Kasaragod District, the lorry was seized. The petitioner informed the 4th respondent that he had valid Mineral Transit Pass. The Lorry was sent to the property at the request of a customer, who is the owner of the land. Unfortunately, the vehicle was not released. The petitioner submitted Ext.P4 representation dated 10.05.2022 to the 5th respondent seeking release of the vehicle. The petitioner produced all requisite documents in respect of his case. However, the vehicle has not been released so far.

3. The petitioner would submit that he had a valid Mineral Transit Pass for transportation of red soil. The vehicle is registered. There was no reason to seize the vehicle. If the vehicle is exposed to rain and sun, it will cause irreparable loss and damage to the petitioner.

4. The learned Government Pleader entered appearance and resisted the writ petition. The Government Pleader denied all the allegations made by the petitioner in the writ petition. The Government Pleader submitted that at the time of seizure of the vehicle, the petitioner did not produce Ext.P2. No documents in support of the transport of the red soil nor any documents relating to the vehicle, were produced. The petitioner has subsequently submitted Ext.P4 representation. The matter is pending consideration of the 5th respondent.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

6. According to the petitioner, the petitioner had valid Mineral Transit Pass (Ext.P2) for transporting the red soil in question. The vehicle is also having valid registration, insurance, etc. Therefore, unless the 5th respondent takes a decision on Ext.P4 representation immediately, the petitioner will be put to undue hardship.

In the circumstances of the case, the writ petition is disposed of directing the 5th respondent to consider and take a decision on Ext.P4 representation submitted by the petitioner within a period of two weeks.